

**UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

PAUL SVINDLAND and ALLISON
SVINDLAND, as Parents and Natural
Guardians and Administrators of the
Estate of IAN SVINDLAND, a Minor
Deceased, and PAUL SVINDLAND
And ALLISON SVINDLAND,
Individually and in Their Own Right

v.

No. 2:05-cv-00417-BMS

THE NEMOURS FOUNDATION and
WILLIAM I. NORWOOD, M.D., PH.D.

NOTICE OF APPEAL OF FINAL JUDGMENT

TO THE CLERK OF THE DISTRICT COURT:

NOTICE is hereby given that Plaintiffs hereby appeal, to the United States Court of Appeals for the 3rd Circuit, from the final judgment of the District Court entered on May 15, 2007 after a jury verdict for Defendants, including failure of the Court to give certain requested voir dire questions and instructions to the jury. In addition, the Plaintiffs are appealing the following Orders:

1. Order of the District Court precluding the testimony of Plaintiffs' expert Robert L. Hannan, M.D. as to certain of his opinions regarding mortality data (Document 91);
2. Order of the District Court denying Plaintiffs Motion to Preclude the Defense expert testimony of Plaintiffs' treating physician, Jack Rychik, M.D. (Document 88)
3. Failure at trial to allow any cross examination of Defendant, Dr. Norwood's testimony (or any other witness) concerning the number of surgeries Dr. Norwood has performed and the outcomes of his surgical technique, including failure to allow into evidence certain documents; generally failure to allow any evidence as to outcomes.
4. Order of the District Court granting a Protective Order with regard to certain raw data sought from a third party, and denying discovery to Plaintiffs (Document 98).

EATON & McCLELLAN

By: Signature Validation Code TMB3393

/s/ Theresa M. Blanco, Esquire
Theresa M. Blanco, Esquire (ID #77468)
230 S. Broad Street, Suite 304
Philadelphia, PA 19102

Dated: May 29, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 2007 I filed the within Notice of Appeal on the Court (ECF) and upon all counsel of record via email and ECF, as follows:

Sara Petrosky, Esquire
McCann & Geschke
1819 John F. Kennedy Blvd.
Suite 330
Philadelphia PA 19103
petrosky@doclawyers.com

John M. Hudgins, IV, Esquire
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
950 East Paces Ferry Road
Atlanta, GA 30326
shudgins@wwhgd.com

/s/Theresa M. Blanco
Theresa M. Blanco, Esquire